

**Testimony to the Senate Judicial Proceedings Committee
SB087 Correctional Ombudsman-Prison Oversight**

T. Shekhiñah Braveheart

Justice Policy Institute

tbraveheart@justicepolicy.org

February 7, 2023

My name Shekhiñah Braveheart. I am with the Justice Policy Institute (JPI), a national research and policy organization with expertise on criminal and juvenile justice issues. By way of my background, I have had the opportunity to view the justice system from several different angles. First, as a former juvenile life skills and fitness facilitator at Baltimore City Detention Center, secondly, as an individual directly impacted by the criminal legal system, and lastly as an advocate for persons currently incarcerated. These experiences inform my support for SB087.

As many of the worst instances of misconduct and neglect occur at women's prisons, I submit this testimony in support of SB087 in solidarity with the detainees of the Maryland Correctional Institution for Women.

Crime scandals within Maryland's correctional institutions are symptomatic of decades of administrative complacency, complicity, and overload. Unfortunately, highly publicized news stories distract from the more normalized violations; those that are equally outrageous in their disregard for the law, regulations, and human dignity, but have somehow become accepted as endemic to prison life. Some include:

- Assaults and camera coverage.
- Deaths (esp. on segregation units)
- Discontinuation of *all* institutional programming, which creates a void that is typically filled with drugs
- Correctional officers supplying drugs to the rehabilitation-deprived inmate population
- Inmate mail "disappearance", and unsatisfactory outcomes when investigated through institutional channels.
- Challenges in accessing adequate medical care, education, access to the courts (through mail and prison libraries), legal research, and the ability to practice religious faith.
- Non-existent rehabilitative and cognitive programs appearing on correctional websites/handbooks as if currently provided.
- Obstacles to family members visiting their loved ones.
- Institution's refusal to post DPSCS directives/memos pertaining to inmate health, safety, and/or protocols.
- Prisons "locking down" the majority of the inmate population during inspections and audits to guard against inmates alerting authorities/inspectors to various violations and/or cover-ups.

Without independent oversight, Maryland will continue to face chronic problems involving crime, resident and staff safety, resident mental health, and more –as the COVID crisis unmistakably demonstrated over the past two years. There is no denying the need for greater transparency.

Inured to systemic dysfunction, correctional staff commonly state, “This is *prison*, what do these criminals expect?”. Inadequacies have become normalized—even perceived as justified. Operating facilities in a culture of willful disregard robs incarcerated individuals of their right to rehabilitation, endangers staff, and propagates cycles of recidivism.

The Ombudsman concept will cut through the layers of bureaucratic review now required, and Maryland could join several other states with an independent Ombudsman to publicly report and recommend improvements to incarcerated resident’s needs, as well as those of staff, volunteers, and families.

Incarcerated individuals and staff agree; both groups want safe, well-run institutions. Correctional management is interested in improving the quality of its institutions to reduce deaths, injuries, illness, workplace grievances, and lawsuits. Administrators will also benefit from external oversight and review by gaining the objective feedback they need.

Under existing Code of Maryland Regulations (COMAR) and Operational Procedure Documents (OPS), every incarcerated person should have their basic needs met while in the (safe) custody of the Maryland Department of Public Safety and Correctional Services (DPSCS). Yet disturbingly laws are routinely ignored, and both incarcerated individuals and staff face retaliation for reporting misconduct, thus misconduct becomes entrenched.

DPSCS’s Administrative Remedy Procedure (ARP) is riddled with loopholes that make it nearly impossible to file a complaint, let alone gain meaningful recourse. ARP forms are rarely accessible, and inmates are prohibited from filing ARPs without the “signature of a lieutenant.” Stationed as supervisors within shift command offices, lieutenants remain inaccessible to inmates throughout their workday, making it virtually impossible to sign and process complaints. In rare instances when lieutenants are located, they defensively state they are *not obligated to sign forms*.

Despite COMAR and implementation of monitoring visits, DPSCS continues to receive calls from family members, and letters from incarcerated residents reporting serious incidents regarding treatment of inmates, refusal to abide by/adhere to regulations, and willful negligence. Most investigations lead to individual change but rarely address systemic issues. An independent Ombudsman could report directly to the legislators and have the authority to investigate and report thus influencing change.

The evidence is overwhelming, Maryland needs a completely independent mechanism for oversight of the correctional system. *An autonomous, impartial public office – not part of the DPSCS– that serves the State of Maryland by promoting positive change in corrections.*

SB087 is a proposition to honorably uphold COMAR and OPS regulations as a means of protecting against neglect, crime and other improper treatment. Such transparency provides insight into the true needs of incarcerated people, and facilitates protection from harm and fear of retaliation. For this, JPI asks for favorable consideration of SB087.